

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION**

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In re:	§
	§ Subchapter V
Scott Vincent Van Dyke	§
	§ Case No. 21-60052
Debtor.	§ <b>Christopher M. Lopez</b>

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**DEBTOR'S APPLICATION TO EMPLOY KROHN PLLC AS SPECIAL COUNSEL**

THIS APPLICATION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THIS APPLICATION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN TWENTY-ONE (21) DAYS FROM THE DATE THAT THIS APPLICATION WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE APPLICATION SHOULD NOT BE GRANTED; IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE APPLICATION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE APPLICATION AT THE HEARING.

**REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.**

**TO THE HONORABLE CHRISTOPHER M. LOPEZ:**

Scott Vincent Van Dyke, the debtor in this case, respectfully moves this Court to approve the employment of Krohn PLLC as special counsel in connection with the probate of debtor's deceased mother and would show as follows:

**SECTION I  
BRIEF STATEMENT OF THE CASE**

1. On May 25, 2021, the debtor filed a voluntary petition for relief under Chapter 11 of Title 11, United States Code 11 U.S.C. § 101 *et seq.* (the "Bankruptcy Code"). The debtor's case is pending before the United States Bankruptcy Court for the Southern District of Texas, Victoria Division.

2. On December 6, 2021, Mary Theresa Connelly Van Dyke (“MVD”), debtor’s mother, passed away leaving the Debtor and his sisters as heirs to her estate.

3. On December 7, 2021, Mary Katherine Alonso (“Alonso”), debtor’s sister and an additional heir to MVD’s estate, filed an *Application for Temporary Administration* in the Probate Court No. 2 of Harris County, Texas under Case No. 501470 and an *Original Application for Temporary Restraining Order and Temporary and Permanent Injunction* against the debtor.

4. On or about January 13, 2022, the debtor met with Kenneth A. Krohn of Krohn PLLC (Krohn) to seek representation as beneficiary of MVD’s estate and named executor of her will. Debtor desires to employ Krohn as probate counsel in connection with MVD’s estate.

5. The professional services to be rendered on behalf of the debtor by Krohn in this case include:

- a. Draft and file pleadings, motions, and other legal documents with the probate court;
- b. Contact witnesses necessary to testify in Court, if any;
- c. Attend hearings on debtor’s behalf and take steps that are necessary to advocate for debtor’s interests;
- d. Investigate the legal and factual elements regarding the proceedings and take all necessary steps to ensure that discovery is prepared, issued, and responded to;
- e. Assist debtor in preparing for hearings and/or trials in the proceedings; and,
- f. Assist debtor in completing duties and tasks as representative of MVD’s estate.

6. Per the debtor’s knowledge, neither Krohn nor any other person associated with Krohn has any other connection with the debtor, debtor’s creditors, or any other parties in interest or the other attorneys and accountants for such creditors, or other parties in interest, the United States Trustee, or any person employed in the office of the United States Trustee.

7. Per the debtor’s knowledge, neither Krohn nor any other person associated with Krohn holds or represents any interest adverse to debtor’s estate in the matter on which Krohn is

to be engaged by the debtor. Attached hereto as "**Exhibit 1**" is Declaration of Kenneth A. Krohn, an authorized representative of Krohn, under § 327 of the Bankruptcy Code and Bankruptcy Rule 2014. This declaration sets forth all known connections between Krohn and the debtor.

8. For professional services rendered, the debtor has agreed to compensate Krohn on a fee arrangement whereby Krohn shall be paid on an hourly basis from proceeds recovered from MVD's estate. Attached hereto as "**Exhibit 2**" is a letter of representation executed by the debtor and Krohn.

9. No pre-petition or post-petition payment was made to Krohn.

10. The debtor selected Krohn because of its reputation and experience, including his board certification, in representing individuals in probate proceedings. Such employment is necessary and in the best interest of the debtor and his estate.

11. No previous application for the relief requested herein has been made.

**SECTION II**  
**JURISDICTION, VENUE, AND CONSTITUTIONAL**  
**AUTHORITY TO ENTER A FINAL ORDER**

12. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §§ 157(a) and 1334.

13. This Motion is a core proceeding pursuant to 28 U.S.C. § 157(b).

14. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

**SECTION III**  
**RELIEF SOUGHT**

15. The debtor respectfully requests that this Court consider and authorize the employment of Krohn as the debtor's probate counsel in connection with the MVD's estate.

**WHEREFORE**, Scott Vincent Van Dyke prays for the entry of an order that (i) authorizes the employment of Kenneth A. Krohn and Krohn as the debtor's counsel in connection with the probate of MVD's estate; (ii) compensate Krohn in accordance with the letter of representation; and (iii) grant the debtor such other and further relief as it just and equitable.

Dated: January 19, 2022

Respectfully submitted,

**TRAN SINGH LLP**

*/s/Susan Tran Adams*  
Susan Tran Adams | TBN: 24075648  
Brendon Singh | TBN: 24075646  
2502 La Branch Street  
Houston TX 77004  
Phone: (832) 975-7300  
Fax: (832) 975-7301  
Email: [stran@ts-lp.com](mailto:stran@ts-lp.com)

**ATTORNEYS FOR DEBTOR**

**CERTIFICATE OF SERVICE**

I certify that on January 19, 2022, all interested parties were sent a true and correct copy of this Application to Employ Krohn as Special Counsel via First Class U.S. Mail to those on the attached creditor matrix and electronically via CM/ECF to those requesting electronic notice.

*/s/Susan Tran Adams*  
Susan Tran Adams